

2005 DRAFTING REQUEST

Bill

Received: **05/17/2005**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Christine Sinicki (608) 266-8588**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - misc**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Sinicki@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Pharmacists dispensing contraceptives

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	phurley 05/20/2005 phurley 06/02/2005	lkunkel 05/31/2005 lkunkel 06/02/2005	chaugen 05/31/2005	_____	lemery 05/31/2005		
/2	phurley 06/03/2005	kfollett 06/03/2005	chaugen 06/02/2005	_____	lnorthro 06/02/2005		
/3	csundber		pgreensl	_____	lnorthro		

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	06/06/2005		06/06/2005 _____		06/06/2005		
/4			chaugen _____ 06/06/2005 _____		lnorthro _____ 06/06/2005	lnorthro _____ 06/06/2005	

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/3			pgreensl	_____	Inorthro		

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/2		131gf 6/3	chaugen 06/02/2005 6/3 ps	6/6 ps 196	lnorthro 06/02/2005		

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12/mk 6/2
ch 6/2
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/?	phurley	1/mk 5/20	ch 5/21	ch 5/31			

FE Sent For:

<END>

1. Patients' Rights

- a) All pharmacists licensed to practice in Wisconsin, under Wis. Stat. § 450.03(2), have a legal and ethical duty to fill, refill or dispense all legal, safe birth control prescriptions presented to them.
- b) All pharmacists licensed to practice in Wisconsin have the legal and ethical duty to treat each patient, and that patient's medical records, with respect, dignity and in a confidential manner.

2. Under this section, the following definitions apply:

- (a) The term "birth control" includes all federal Food and Drug Administration approved contraceptives.
- (b) Medical records has the meaning applied under Wis. Stat. § ____.

Separate section:

No definition of abortion as used anywhere in the statutes shall include any FDA approved birth control method.

2005 BILL

5-20-05

GenCat

- ① AN ACT ...; relating to: pharmacists, contraceptives, and the definition of
- ② abortion.

Analysis by the Legislative Reference Bureau

Under current law, pharmacists licensed in the state are held to certain practice standards, and any pharmacist who fails to meet the practice standards may be required to forfeit not less than \$25 nor more than \$50 for each offense, and may be subject to disciplinary action. Disciplinary action may include a reprimand, denial, limitation, suspension or revocation of the pharmacist's license, and a forfeiture of not more than \$1000 for each offense.

(FDA) This bill requires all pharmacists licensed in the state to administer, distribute, or dispense all contraceptive articles that are approved by the federal food and drug administration and to treat each patient, and each patient's medical record, with respect, dignity, and in a confidential manner. The bill also defines "abortion" to exclude any form of birth control that is approved by the federal food and drug administration.

INSERT A

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 20.927 (1g) of the statutes is amended to read:
- 4 20.927 (1g) In this section, "abortion" means the intentional destruction of the
- 5 life of an unborn child, and "unborn child" means a human being from the time of

insert
underlined
material
moved
from p. 2

BILL

SECTION 1

1 conception until it is born alive, but does not include the use, administration,
2 delivery, or dispensing of any contraceptive article, as defined in s. 450.13 (1) (a), that
3 is approved by the federal food and drug administration.

History: 1977 c. 245; 1999 a. 9; 2001 a. 103.

4 **SECTION 2.** 40.98 (1) (ag) of the statutes is amended to read:

5 40.98 (1) (ag) "Abortion" means the use of an instrument, medicine, drug or
6 other substance or device with intent to terminate the pregnancy of a woman known
7 to be pregnant or for whom there is reason to believe that she may be pregnant and
8 with intent other than to increase the probability of a live birth, to preserve the life
9 or health of the infant after live birth or to remove a dead fetus. "Abortion" does not
10 include the use, administration, delivery, or dispensing of any contraceptive article,
11 as defined in s. 450.13 (1) (a), that is approved by the federal food and drug
12 administration.

History: 1999 a. 9; 2001 a. 16, 109; 2003 a. 33.

13 **SECTION 3.** 40.98 (1) (g) of the statutes is amended to read:

14 40.98 (1) (g) "Nontherapeutic abortion" means an abortion that is not directly
15 and medically necessary to prevent the death of the woman, but does not include the
16 use, administration, delivery, or dispensing of any contraceptive article, as defined
17 in s. 450.13 (1) (a), that is approved by the federal food and drug administration.

History: 1999 a. 9; 2001 a. 16, 109; 2003 a. 33.

18 **SECTION 4.** 48.375 (2) (a) of the statutes is amended to read:

19 48.375 (2) (a) "Abortion" means the use of any instrument, medicine, drug or
20 any other substance or device with intent to terminate the pregnancy of a minor after
21 implantation of a fertilized human ovum and with intent other than to increase the
22 probability of a live birth, to preserve the life or health of the infant after live birth
23 or to remove a dead fetus. "Abortion" does not include the use, administration,

BILL

(1) delivery, or dispensing of any contraceptive article, as defined in s. 450.13(1)(a), that
2 is approved by the federal food and drug administration. ✓

History: 1991 a. 263, 315; 1993 a. 112, 230, 446; 1995 a. 77, 275, 309; 2001 a. 16, 103.

3 **SECTION 5.** 69.01 (13m) of the statutes is amended to read:

4 69.01 (13m) "Induced abortion" means the termination of a uterine pregnancy
5 by a physician of a woman known by the physician to be pregnant, for a purpose other
6 than to produce a live birth or to remove a dead fetus, but does not include the use,
7 administration, delivery, or dispensing of any contraceptive article, as defined in s.
8 450.13(1)(a), that is approved by the federal food and drug administration. ✓

History: 1985 a. 315; 1985 a. 332 s. 253; 1991 a. 39; 1993 a. 27; 1995 a. 27 s. 9126 (19); 2001 a. 16; 2003 a. 273.

9 **SECTION 6.** 253.10 (2) (a) of the statutes is amended to read:

10 253.10 (2) (a) "Abortion" means the use of an instrument, medicine, drug or
11 other substance or device with intent to terminate the pregnancy of a woman known
12 to be pregnant or for whom there is reason to believe that she may be pregnant and
13 with intent other than to increase the probability of a live birth, to preserve the life
14 or health of the infant after live birth or to remove a dead fetus. ^{plain} "Abortion" does not
15 include the use, administration, delivery, or dispensing of any contraceptive article,
16 as defined in s. 450.13(1)(a), that is approved by the federal food and drug
17 administration. ✓

History: 1985 a. 56, 176; 1991 a. 263; 1993 a. 27 s. 378; Stats. 1993 s. 253.10; 1995 a. 309; 1997 a. 27; 1999 a. 9.

18 **SECTION 7.** 450.09 (2m) of the statutes is created to read:

19 450.09 (2m) PATIENTS' RIGHTS. (a) Every pharmacist has a duty to administer,
20 distribute, or dispense all contraceptive articles, as defined in s. 450.13(1)(a), that
21 are approved by the federal food and drug administration. ✓

22 (b) Every pharmacist has a duty to treat each patient, and each patient's
23 medical record or medication profile record, with respect, dignity, and in a
24 confidential manner. ✓

BILL

SECTION 8

1 **SECTION 8.** 939.75 (2) (a) of the statutes is amended to read:

2 939.75 (2) (a) In this subsection, "induced abortion" means the use of any
3 instrument, medicine, drug or other substance or device in a medical procedure with
4 the intent to terminate the pregnancy of a woman and with an intent other than to
5 increase the probability of a live birth, to preserve the life or health of the infant after
6 live birth or to remove a dead fetus, but does not include the use, administration,
7 delivery, or dispensing of any contraceptive article, as defined in s. 450.13 (1) (a), that
8 is approved by the federal food and drug administration. ✓

History: 1997 a. 295; 2001 a. 109; 2003 a. 97.

9 **SECTION 9.** 940.16 (1) (b) of the statutes is amended to read:

10 940.16 (1) (b) "Partial-birth abortion" means an abortion in which a person
11 partially vaginally delivers a living child, causes the death of the partially delivered
12 child with the intent to kill the child, and then completes the delivery of the child,
13 but does not include the use, administration, delivery, or dispensing of any
14 contraceptive article, as defined in s. 450.13 (1) (a), that is approved by the federal
15 food and drug administration. ✓

History: 1997 a. 219.

16 (END)

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3054/lins
PJH:.....

INSERT A

1 **SECTION 1.** 20.927 (1g) of the statutes is renumbered 20.927 (1g) (intro.) and
2 amended to read:

3 20.927 (1g) (intro.) In this section, ~~“abortion”~~:

4 (a) “Abortion” means the intentional destruction of the life of an unborn child,
5 and ~~“unborn child”~~ but does not include the use, administration, delivery, or
6 dispensing of any contraceptive article, as defined in s. 450.155 (1) (a), that is
7 approved by the federal food and drug administration.

8 (b) “Unborn child” means a human being from the time of conception until it
9 is born alive.

History: 1977 c. 245; 1999 a. 9; 2001 a. 103.

end of insert A

Hurley, Peggy

From: George, Mary Beth
Sent: Wednesday, June 01, 2005 5:10 PM
To: Hurley, Peggy
Subject: LRB 3054/1



5D7CD000.tif

Hi Peggy,

Please see the changes in this attachment for a /2.

In addition, please insert ", unless contra-indicated," after every mention of the FDA, before the phrases "for the purposes of pregnancy prevention".

Please call with any questions.

Thanks!

Mary Beth George
Office of Rep. Sinicki
6-8588

PS we are on a very tight deadline for the last draft of this LRB, and will need that by Monday late afternoon.

Thanks again.

2005 - 2006 Legislature

- 2 -

LRB-3054/1

PJH:lmk:ch

SECTION 1

BILL

1 SECTION 1. 20.927 (1g) of the statutes is renumbered 20.927 (1g) (intro.) and
2 amended to read:

3 20.927 (1g) (intro.) In this section, ~~"abortion"~~; *embryo or fetus*
4 (a) "Abortion" means the intentional destruction of the life of an ~~unborn child~~,
5 and "unborn child" ~~but does not include the use, administration, delivery, or~~
6 ~~dispensing of any contraceptive article as defined in s. 450.155 (1) (a), that is~~
7 ~~approved by the federal food and drug administration.~~ *the purposes of pregnancy prevention.*

8 ~~(b) "Unborn child" means a human being from the time of conception until it~~
9 ~~is born alive.~~

10 SECTION 2. 40.98 (1) (ag) of the statutes is amended to read:

11 40.98 (1) (ag) "Abortion" means the use of an instrument, medicine, drug or
12 other substance or device with intent to terminate the pregnancy of a woman known
13 to be pregnant ~~or for whom there is reason to believe that she may be pregnant and~~
14 with intent other than to increase the probability of a live birth, to preserve the life
15 or health of the infant after live birth or to remove a dead fetus. "Abortion" ~~does not~~
16 ~~include the use, administration, delivery, or dispensing of any contraceptive article~~
17 ~~as defined in s. 450.155 (1) (a), that is approved by the federal food and drug~~
18 ~~administration.~~ *for the purposes of pregnancy prevention.*

19 SECTION 3. 40.98 (1) (g) of the statutes is amended to read:

20 40.98 (1) (g) "Nontherapeutic abortion" means an abortion that is not directly
21 and medically necessary to prevent the death of the woman, ~~but does not include the~~
22 ~~use, administration, delivery, or dispensing of any contraceptive article, as defined~~
23 ~~in s. 450.155 (1) (a), that is approved by the federal food and drug administration.~~ *for the*

24 SECTION 4. 48.375 (2) (a) of the statutes is amended to read:

purposes of pregnancy prevention

2005 – 2006 Legislature

- 3 -

LRB-3054/1
PJH:lmk:ch
SECTION 4

BILL

48.375 (2) (a) "Abortion" means the use of any instrument, medicine, drug or any other substance or device with intent to terminate the pregnancy of a minor after implantation of a fertilized human ovum and with intent other than to increase the probability of a live birth, to preserve the life or health of the infant after live birth or to remove a dead fetus. "Abortion" does not include the use, administration, delivery, or dispensing of any contraceptive ~~as defined in s. 450.155 (1) (a)~~ that is approved by the federal food and drug administration *for the purposes of pregnancy prevention.*

8 **SECTION 5.** 69.01 (13m) of the statutes is amended to read:

9 69.01 (13m) "Induced abortion" means the termination of a uterine pregnancy
10 by a physician of a woman known by the physician to be pregnant, for a purpose other
11 than to produce a live birth or to remove a dead fetus, but does not include the use,
12 administration, delivery, or dispensing of any contraceptive article, as defined in s.
13 450.155 (1) (a), that is approved by the federal food and drug administration for the

14 **SECTION 6.** 253.10 (2) (a) of the statutes is amended to read:

253.10 (2) (a) "Abortion" means the use of an instrument, medicine, drug or other substance or device with intent to terminate the pregnancy of a woman known to be pregnant ~~or for whom there is reason to believe that she may be pregnant~~ and with intent other than to increase the probability of a live birth, to preserve the life or health of the infant after live birth or to remove a dead fetus. "Abortion" does not include the use, administration, delivery, or dispensing of any contraceptive article, ~~as defined in s. 450.155 (1) (a), that is approved by the federal food and drug administration,~~ for the purposes of pregnancy prevention.

23 **SECTION 7.** 450.09 (2m) of the statutes is created to read:

keep

2005 BILL

today
6-2-05

Secaff

ReGen

- 1 AN ACT *to renumber and amend* 20.927 (1g); *to amend* 40.98 (1) (ag), 40.98
2 (1) (g), 48.375 (2) (a), 69.01 (13m), 253.10 (2) (a), 939.75 (2) (a) and 940.16 (1)
3 (b); and *to create* 450.09 (2m) of the statutes; **relating to:** pharmacists,
4 contraceptives, and the definition of abortion.

Analysis by the Legislative Reference Bureau

Under current law, pharmacists licensed in the state are held to certain practice standards, and any pharmacist who fails to meet the practice standards may be required to forfeit not less than \$25 nor more than \$50 for each offense, and may be subject to disciplinary action. Disciplinary action may include a reprimand, denial, limitation, suspension or revocation of the pharmacist's license, and a forfeiture of not more than \$1000 for each offense.

This bill requires all pharmacists licensed in the state to administer, distribute, or dispense all contraceptive ~~articles~~ that are approved by the federal Food and Drug Administration (FDA) and to treat each patient, and each patient's medical record, with respect, dignity, and in a confidential manner. The bill also defines "abortion" to exclude any form of birth control that is approved by the FDA.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

BILL

UP: PLS change component

SECTION 1. 20.927 (1g) of the statutes is renumbered 20.927 (1g) (intro.) and

amended to read:

20.927 (1g) (intro.) In this section, "abortion" ^{plain} ~~is defined~~ ^{NO 4}

(a) "Abortion" means the intentional destruction of the life of an ~~unborn child~~ ^{embryo or fetus}

and "unborn child" ^{plain} but does not include the use, administration, delivery, or

^{move} dispensing of any contraceptive ^{described} article, as defined in s. 450.155 (1) (a), that is

^{approved} approved by the federal food and drug administration ^{on}

(b) "Unborn child" means a human being from the time of conception until it

is born alive ^{move: strike}

SECTION 2. 40.98 (1) (ag) of the statutes is amended to read:

40.98 (1) (ag) "Abortion" means the use of an instrument, medicine, drug or

other substance or device with intent to terminate the pregnancy of a woman known

to be pregnant or for whom there is reason to believe that she may be pregnant and

with intent other than to increase the probability of a live birth, to preserve the life

or health of the infant after live birth or to remove a dead fetus. "Abortion" does not

include the use, administration, delivery, or dispensing of any contraceptive ^{described} article,

as defined in s. 450.155 (1) (a), that is ^{approved} approved by the federal food and drug

administration ^{approved}

SECTION 3. 40.98 (1) (g) of the statutes is amended to read:

40.98 (1) (g) "Nontherapeutic abortion" means an abortion that is not directly

and medically necessary to prevent the death of the woman, but does not include the

use, administration, delivery, or dispensing of any contraceptive ^{described} article, as defined

in s. 450.155 (1) (a), that is ^{approved} approved by the federal food and drug administration ^{approved}

SECTION 4. 48.375 (2) (a) of the statutes is amended to read:

BILL

1 48.375 (2) (a) "Abortion" means the use of any instrument, medicine, drug or
2 any other substance or device with intent to terminate the pregnancy of a minor after
3 implantation of a fertilized human ovum and with intent other than to increase the
4 probability of a live birth, to preserve the life or health of the infant after live birth
5 or to remove a dead fetus. "Abortion" does not include the use, administration,
6 delivery, or dispensing of any contraceptive article, as defined in s. 450.155 (1) (a),
7 that is approved by the federal food and drug administration. *described* *scored* *approved*

8 **SECTION 5.** 69.01 (13m) of the statutes is amended to read:

9 69.01 (13m) "Induced abortion" means the termination of a uterine pregnancy
10 by a physician of a woman known by the physician to be pregnant, for a purpose other
11 than to produce a live birth or to remove a dead fetus, but does not include the use,
12 administration, delivery, or dispensing of any contraceptive article, as defined in s.
13 450.155 (1) (a), that is approved by the federal food and drug administration. *described* *scored* *approved*

14 **SECTION 6.** 253.10 (2) (a) of the statutes is amended to read:

15 253.10 (2) (a) "Abortion" means the use of an instrument, medicine, drug or
16 other substance or device with intent to terminate the pregnancy of a woman known
17 to be pregnant ~~or for whom there is reason to believe that she may be pregnant and~~
18 with intent other than to increase the probability of a live birth, to preserve the life
19 or health of the infant after live birth or to remove a dead fetus. "Abortion" does not
20 include the use, administration, delivery, or dispensing of any contraceptive article,
21 as defined in s. 450.155 (1) (a), that is approved by the federal food and drug
22 administration. *described* *scored* *approved*

23 **SECTION 7.** 450.09 (2m) of the statutes is created to read:

BILL

*federal food and drug
administration - approved*

1 450.09 (2m) PATIENTS' RIGHTS. (a) Every pharmacist has a duty to administer,
2 distribute, or dispense all contraceptive articles, as defined in s. 450.155 (1) (a), that
3 are approved by the federal food and drug administration. *unless contraindicated*

4 (b) Every pharmacist has a duty to treat each patient, and each patient's *for a*
5 medical record or medication profile record, with respect, dignity, and in a *particular*
6 confidential manner. *patient*

7 SECTION 8. 939.75 (2) (a) of the statutes is amended to read:

8 939.75 (2) (a) In this subsection, "induced abortion" means the use of any
9 instrument, medicine, drug or other substance or device in a medical procedure with
10 the intent to terminate the pregnancy of a woman and with an intent other than to
11 increase the probability of a live birth, to preserve the life or health of the infant after
12 live birth or to remove a dead fetus, but does not include the use, administration,
13 delivery, or dispensing of any contraceptive article, as defined in s. 450.155 (1) (a),
14 that is approved by the federal food and drug administration. *approved*

15 SECTION 9. 940.16 (1) (b) of the statutes is amended to read:

16 940.16 (1) (b) "Partial-birth abortion" means an abortion in which a person
17 partially vaginally delivers a living child, causes the death of the partially delivered
18 child with the intent to kill the child, and then completes the delivery of the child,
19 but does not include the use, administration, delivery, or dispensing of any
20 contraceptive article, as defined in s. 450.155 (1) (a), that is approved by the federal
21 food and drug administration.

22 (END)

Hurley, Peggy

From: George, Mary Beth
Sent: Friday, June 03, 2005 12:01 PM
To: Hurley, Peggy
Subject: FW: /3 draft
Importance: High

Hi Peggy --

Here are the final changes for LRB 3054.

in addition to what's below, please add the word "contraindicated" in the LRB Analysis, and also remove the "respect, dignity..." language in the analysis. ✓

Thank you.

Mary Beth George
Rep. Sinicki
6-8588

1. In the leg summary and bill, take out the dignity and respect language. Too vague. ✓

2. Line 1, p. 2

Get rid of the part that says "abortion" means the intentional destruction of the life of an embryo. . .

And replace with ". . . 'abortion' means the intentional destruction of an embryo or fetus. ✓

3. In all places where we are saying abortion does not include the use, administration, delivery or dispensing of any FDA approved contraceptives, I think we should add "prescribing."

The only place where we wouldn't add this is line 19, p. 3 when we are describing the duty of pharmacists, since they do not describe.

2005 BILL

by 6.6.05
am

Regen

- 1 AN ACT *to amend* 20.927 (1g), 40.98 (1) (ag), 40.98 (1) (g), 48.375 (2) (a), 69.01
 2 (13m), 253.10 (2) (a) and 939.75 (2) (a); and *to create* 450.09 (2m) of the
 3 statutes; **relating to:** pharmacists, contraceptives, and the definition of
 4 abortion.

Analysis by the Legislative Reference Bureau

Under current law, pharmacists licensed in the state are held to certain practice standards, and any pharmacist who fails to meet the practice standards may be required to forfeit not less than \$25 nor more than \$50 for each offense, and may be subject to disciplinary action. Disciplinary action may include a reprimand, denial, limitation, suspension or revocation of the pharmacist's license, and a forfeiture of not more than \$1000 for each offense.

This bill requires all pharmacists licensed in the state to administer, distribute, or dispense all contraceptives that are approved by the federal Food and Drug Administration (FDA) and to treat each patient, and each patient's medical record, with respect, dignity, and in a confidential manner. The bill also defines "abortion" to exclude any form of birth control that is approved by the FDA.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 5 SECTION 1. 20.927 (1g) of the statutes is amended to read:

unless the contraceptive
is contraindicated for a particular patient

the bill

BILL

SECTION 1

1 20.927 (1g) In this section, "abortion" means the intentional destruction of ~~the~~
2 ~~life of an unborn child, and "unborn child" means a human being from the time of~~
3 ~~conception until it is born alive~~ ^{an} embryo or fetus, but does not include the use,
4 administration, delivery, or dispensing of any
5 federal-food-and-drug-administration-approved contraceptive.

6 SECTION 2. 40.98 (1) (ag) of the statutes is amended to read:

7 40.98 (1) (ag) "Abortion" means the use of an instrument, medicine, drug or
8 other substance or device with intent to terminate the pregnancy of a woman known
9 to be pregnant ~~or for whom there is reason to believe that she may be pregnant and~~
10 with intent other than to increase the probability of a live birth, to preserve the life
11 or health of the infant after live birth or to remove a dead fetus. "Abortion" does not
12 include the use, administration, delivery, or dispensing of any
13 federal-food-and-drug-administration-approved contraceptive.

14 SECTION 3. 40.98 (1) (g) of the statutes is amended to read:

15 40.98 (1) (g) "Nontherapeutic abortion" means an abortion that is not directly
16 and medically necessary to prevent the death of the woman, but does not include the
17 use, administration, delivery, or dispensing of any
18 federal-food-and-drug-administration-approved contraceptive.

19 SECTION 4. 48.375 (2) (a) of the statutes is amended to read:

20 48.375 (2) (a) "Abortion" means the use of any instrument, medicine, drug or
21 any other substance or device with intent to terminate the pregnancy of a minor after
22 implantation of a fertilized human ovum and with intent other than to increase the
23 probability of a live birth, to preserve the life or health of the infant after live birth
24 or to remove a dead fetus. "Abortion" does not include the use, administration,

BILL

1 delivery, or dispensing of any federal-food-and-drug-administration-approved
2 contraceptive.

3 **SECTION 5.** 69.01 (13m) of the statutes is amended to read:

4 69.01 (13m) "Induced abortion" means the termination of a uterine pregnancy
5 by a physician of a woman known by the physician to be pregnant, for a purpose other
6 than to produce a live birth or to remove a dead fetus, but does not include the use,
7 administration, delivery, or dispensing of any
8 federal-food-and-drug-administration-approved contraceptive.

9 **SECTION 6.** 253.10 (2) (a) of the statutes is amended to read:

10 253.10 (2) (a) "Abortion" means the use of an instrument, medicine, drug or
11 other substance or device with intent to terminate the pregnancy of a woman known
12 to be pregnant ~~or for whom there is reason to believe that she may be pregnant and~~
13 with intent other than to increase the probability of a live birth, to preserve the life
14 or health of the infant after live birth or to remove a dead fetus. "Abortion" does not
15 include the use, administration, delivery, or dispensing of any
16 federal-food-and-drug-administration-approved contraceptive.

17 **SECTION 7.** 450.09 (2m) of the statutes is created to read:

18 450.09 (2m) PATIENTS' RIGHTS. (a) Every pharmacist has a duty to administer,
19 distribute, or dispense all federal-food-and-drug-administration-approved
20 contraceptives, unless contraindicated for a particular patient.

21 (b) Every pharmacist has a duty to treat each patient, and each patient's
22 medical record or medication profile record, with respect, dignity, and in a
23 confidential manner.

24 **SECTION 8.** 939.75 (2) (a) of the statutes is amended to read:

BILL

939.75 (2) (a) In this subsection, “induced abortion” means the use of any instrument, medicine, drug or other substance or device in a medical procedure with the intent to terminate the pregnancy of a woman and with an intent other than to increase the probability of a live birth, to preserve the life or health of the infant after live birth or to remove a dead fetus, but does not include the use, administration, delivery, or dispensing of any federal-food-and-drug-administration-approved contraceptive.

(END)

prescribing

6/6/09

Mary Beth/Swrick:

p. 3. change "or dispence" to
ln. 19 "and dispensi"

CTS

Stays

2005 BILL

SK ✓

NOW

Rege cat

1 AN ACT *to amend* 20.927 (1g), 40.98 (1) (ag), 40.98 (1) (g), 48.375 (2) (a), 69.01
2 (13m), 253.10 (2) (a) and 939.75 (2) (a); and *to create* 450.09 (2m) of the
3 statutes; **relating to:** pharmacists, contraceptives, and the definition of
4 abortion.

Analysis by the Legislative Reference Bureau

Under current law, pharmacists licensed in the state are held to certain practice standards, and any pharmacist who fails to meet the practice standards may be required to forfeit not less than \$25 nor more than \$50 for each offense, and may be subject to disciplinary action. Disciplinary action may include a reprimand, denial, limitation, suspension or revocation of the pharmacist's license, and a forfeiture of not more than \$1000 for each offense.

→ This bill requires all pharmacists licensed in the state to administer, distribute, or dispense all contraceptives that are approved by the federal Food and Drug Administration (FDA), unless the contraceptive is contraindicated for a particular patient, and the bill defines "abortion" to exclude any form of birth control that is approved by the FDA.

and

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 SECTION 1. 20.927 (1g) of the statutes is amended to read:

BILL**SECTION 1**

1 20.927 (1g) In this section, “abortion” means the intentional destruction of the
2 ~~life of an unborn child, and “unborn child” means a human being from the time of~~
3 ~~conception until it is born alive~~ an embryo or fetus, but does not include the use,
4 administration, delivery, prescribing, or dispensing of any
5 federal-food-and-drug-administration-approved contraceptive.

6 **SECTION 2.** 40.98 (1) (ag) of the statutes is amended to read:

7 40.98 (1) (ag) “Abortion” means the use of an instrument, medicine, drug or
8 other substance or device with intent to terminate the pregnancy of a woman known
9 to be pregnant ~~or for whom there is reason to believe that she may be pregnant and~~
10 with intent other than to increase the probability of a live birth, to preserve the life
11 or health of the infant after live birth or to remove a dead fetus. “Abortion ” does not
12 include the use, administration, delivery, prescribing, or dispensing of any
13 federal-food-and-drug-administration-approved contraceptive.

14 **SECTION 3.** 40.98 (1) (g) of the statutes is amended to read:

15 40.98 (1) (g) “Nontherapeutic abortion” means an abortion that is not directly
16 and medically necessary to prevent the death of the woman, but does not include the
17 use, administration, delivery, prescribing, or dispensing of any
18 federal-food-and-drug-administration-approved contraceptive.

19 **SECTION 4.** 48.375 (2) (a) of the statutes is amended to read:

20 48.375 (2) (a) “Abortion” means the use of any instrument, medicine, drug or
21 any other substance or device with intent to terminate the pregnancy of a minor after
22 implantation of a fertilized human ovum and with intent other than to increase the
23 probability of a live birth, to preserve the life or health of the infant after live birth
24 or to remove a dead fetus. “Abortion ” does not include the use, administration,

BILL

1 delivery, prescribing, or dispensing of any
2 federal-food-and-drug-administration-approved contraceptive.

3 **SECTION 5.** 69.01 (13m) of the statutes is amended to read:

4 69.01 (13m) "Induced abortion" means the termination of a uterine pregnancy
5 by a physician of a woman known by the physician to be pregnant, for a purpose other
6 than to produce a live birth or to remove a dead fetus, but does not include the use,
7 administration, delivery, prescribing, or dispensing of any
8 federal-food-and-drug-administration-approved contraceptive.

9 **SECTION 6.** 253.10 (2) (a) of the statutes is amended to read:

10 253.10 (2) (a) "Abortion" means the use of an instrument, medicine, drug or
11 other substance or device with intent to terminate the pregnancy of a woman known
12 to be pregnant ~~or for whom there is reason to believe that she may be pregnant~~ and
13 with intent other than to increase the probability of a live birth, to preserve the life
14 or health of the infant after live birth or to remove a dead fetus. "Abortion" does not
15 include the use, administration, delivery, prescribing, or dispensing of any
16 federal-food-and-drug-administration-approved contraceptive.

17 **SECTION 7.** 450.09 (2m) of the statutes is created to read:

18 450.09 (2m) PATIENTS' RIGHTS. Every pharmacist has a duty to administer,
19 distribute, ^{or} ~~or~~ ^{and} dispense all federal-food-and-drug-administration-approved
20 contraceptives, unless contraindicated for a particular patient.

21 **SECTION 8.** 939.75 (2) (a) of the statutes is amended to read:

22 939.75 (2) (a) In this subsection, "induced abortion" means the use of any
23 instrument, medicine, drug or other substance or device in a medical procedure with
24 the intent to terminate the pregnancy of a woman and with an intent other than to
25 increase the probability of a live birth, to preserve the life or health of the infant after

BILL

1 live birth or to remove a dead fetus, but does not include the use, administration,
2 delivery, prescribing, or dispensing of any
3 federal-food-and-drug-administration-approved contraceptive.

4 (END)

Emery, Lynn

From: George, Mary Beth
Sent: Monday, June 06, 2005 12:43 PM
To: Emery, Lynn
Subject: RE: LRB 05-3054/4 (attached as requested)

Lynn -- could you please have this jacketed?

Thank you.

Mary Beth George
Office of Rep. Sinicki
6-8588

From: Emery, Lynn
Sent: Monday, June 06, 2005 12:42 PM
To: Rep.Sinicki
Subject: LRB 05-3054/4 (attached as requested)

<< File: 05-3054/4 >>

Lynn Emery
Program Assistant
Legislative Reference Bureau
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